

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO on the)	
relation of State Engineer,)	
)	
Plaintiff,)	
)	69cv07941-BB-ACE
-v-)	
)	RIO CHAMA STREAM SYSTEM
RAMON ARAGON et al.,)	
)	
Defendants.)	
_____)	

MOTION OF SPECIAL MASTER
FOR INTERIM FEES AND EXPENSES

TO: The Honorable Bruce D. Black
United States District Judge

FROM: Vickie L. Gabin
Special Master

A Motion requesting the Court to approve interim fees and expenses, a brief summary of the work performed, and the Special Master's Declaration in support of Motion

This Motion is submitted pursuant to the Administrative Order entered February 23, 1995, regarding the manner in which the Special Master, data manager and other personnel required by the Special Master are paid for services, costs, expenses and New Mexico gross receipts taxes related to this adjudication. The Special Master hereby moves for an order of the Court approving interim fees and expenses for work performed in this case from January 1, 2005, through June 30, 2005. Most of the fees and expenses have already been paid from the trust account.

I. WORK PERFORMED

A. Case management

The court's data manager continues to track all water rights information contained in newly filed consent orders for Sections 3 (Rios Cebolla, Canjilon and Las Nutrias), and Section 7 (Tierra Amarilla). I continue to review and approve consent orders and acknowledgments, decide motions relevant to subfile activity in these sections, enter litigation and scheduling orders, and monitor the progress of the subfile activity. Bi-monthly status conferences were held February 10 in Chama, and April 12 and June 14 in Santa Fe.

The subfile activity in Section 5 (Gallina) is completed. The Section 5 acequias and the State filed their Stipulation on Priority Dates in Section 5 on February 10. Pursuant to the February 15 Scheduling Order on Irrigation Water Requirements, the State, the Jicarilla Apache Nation, and the three acequia associations in Sections 3, 5 and 7 reached a Stipulation on Methodology Used to Determine Consumptive Use of Crops on June 16. At this time the Section 5 acequias are determining whether to accept the State's proposed consumptive irrigation amounts for that section.

In Section 7, the resolution of the state-based claims of the Jicarilla Apache Nation are proceeding pursuant to the existing scheduling order.

At the same time we are working on Sections 3, 5 and 7, efforts are underway to bring up to date and complete the reaches of the Rio Chama Stream System which were adjudicated in previous decades. To that end, on March 14, I entered a Procedural Order for Completion of Primary Subfile Work and Resolution of Errors and Omissions (No. 7785), which allows the parties to begin a systematic process for identifying and resolving errors and omissions in the hydrographic survey and ensuring that previously entered subfile orders are correct.

B. Federal and Indian water rights claims

Because of competing demands on attorney and judicial resources, the adjudication of San Juan Pueblo's rights has been deferred until the Pueblo's claims have been litigated in State v. Abbott, the Santa Cruz/Truchas adjudication. The adjudication of Non-Indian and non-Wild and Scenic River claims are guided by the March 1 Scheduling Order for Federal Non-Indian Water Rights Claims in Sections 3, 5, and 7. The Order provides the sequence by which the claims are to be brought, investigated and addressed in each section. The Wild and Scenic River claims matter, which was remanded to me by the Court, is governed by the July 18, 2005 Initial Scheduling and Pretrial Order for the Adjudication of Wild and Scenic River Claims.

II. DECLARATION

DECLARATION OF SPECIAL MASTER IN SUPPORT OF MOTION

I, Vickie L. Gabin, declare that the work described above is the basis for my fee application, and that the work of data manager Karla McCall, Geta A. Gatterman, paralegal and administrative assistant, has been completed as described. Hourly records of work performed are available from the contractors if needed.

Dated: August 3, 2005

/electronic signature/
VICKIE L. GABIN, SPECIAL MASTER